

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket № 14762US02)**

In the Application of:

Jeyhan Karaoguz et al

Serial No. 10/675,458

Filed: September 30, 2003

For: HEADEND PRE-PROCESSING  
MEDIA GUIDE SUPPORT FOR PERSONAL  
MEDIA EXCHANGE NETWORK

Examiner: Kunal N. Langhnoja

Group Art Unit: 2427

Confirmation No. 5610

***Electronically Filed on 29-JUN-2009***

**REPLY BRIEF**

MS: APPEAL BRIEF-PATENTS  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 41.41, the Appellant submits this Reply Brief in response to the Examiner's Answer mailed on April 27, 2009. Claims 1-38 are pending in the present Application. The Appellant has responded to the Examiner in the Examiner's Answer, as found in the following Argument section.

As may be verified in his final Office Action (page 2), dated July 22, 2008 ("Final Office Action"), claims 1-38 were finally rejected. Pending claims 1-38 are the subject of

this appeal. The present application includes claims 1-38, which are pending in the present application. Claims 1-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0104099 ("Novak") in view of U.S. Patent № 6,774,926 ("Ellis"). *See* Final Office Action at page 2. The Appellant identifies claims 1-38 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix. To aid the Board in identifying corresponding arguments, the Appellant has used the same headings in the Argument section of this Reply Brief as the headings found in the Appellant's corresponding Brief on Appeal. The Brief on Appeal has a date of deposit of January 22, 2009.

**STATUS OF THE CLAIMS**

Claims 1-38 were finally rejected. Pending claims 1-38 are the subject of this appeal.

## ARGUMENT

### **Rejection Under U.S.C. 103 (a) over Novak and Ellis**

#### **A. Claims 1, 11, 21, 31, and 32**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 9-10 of the Examiner's Answer:

Appellant argues Novak et al and Ellis et al, the combination does not disclose or suggest at least limitations of "determining when one or both of personal media and/or broadcast media is scheduled in at least one constructed display for presentation at a first geographic location, wherein said scheduling is performed at said first geographic location" as recited in claim 1, the examiner respectfully disagrees.

*Novak teaches the determination of scheduled broadcast media by using an electronic program guide 153, which is constructed/produced by local studio 106 or a cable service provider 108 and where personal media can be scheduled by an individual acting as a program director, upload source 122. The Novak reference was silent with respect to presentation of constructed display at the same location. The examiner relied upon Ellis which meets the limitation. The constructed display, where scheduling was performed at local studio 106 or at the cable provider in Novak, the . presentation of the constructed display is provided at the contributor side as well in Ellis. The contributors are presented with input screen 196, which can be used for scheduling purposes. (Figs.8,14, C01.11 lines 45-51 ) Wherein, a contributor can be a subscriber in a given cable system (Co1.14 lines 24-31). Since, both of the teaching by Novak and Ellis work in the similar fashion and contributor is able to schedule information using input screen 196, which is presented at the same location, the combination would not be rendered inoperative. Therefore, the combination of Novak and Ellis meets the limitation "constructed display for presentation at a first geographic location, wherein said scheduling is performed at said first geographic location."*

The Appellant respectfully disagrees, especially with the above emphasized arguments.

Novak clearly discloses where the EPG is generated and where it is presented. More

specifically, as explained in pages 9-10 of the Appeal Brief, Novak's EPG is generated outside of the subscriber's location and then it is provided to the subscriber and stored at the STB 152 for subsequent display. In other words, Novak discloses that the EPG is scheduled at one geographic location and then it is communicated for presentation at another geographic location. Ellis does not overcome this deficiency of Novak.

Ellis, at Fig. 17 and col. 14, lines 24-31, discloses that if the "contributor" is also a "subscriber", then personal television channel programming can be made available to viewers in **other** cable systems, or to **other** viewers in the same cable system. Obviously, Ellis, similarly to Novak, also does not disclose that the EPG is generated for purposes of being presented at the same location where it was generated. As seen above, the personal channel programming is made available to other users – either in the same or different cable systems.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on page 11 of the Examiner's Answer:

Appellant argues Novak et al and Ellis et al, the combination does not disclose or suggest at least limitations of "updating, at a second geographic location, said at least one constructed display based on said acquired information" as recited in claim 1, the examiner respectfully disagrees with the applicant. Novak et al teaches cable subscribers are provided with media programs from the website 124 and to provide/update the EPG with media programs that are available from the website 124 (Paragraph 0041). To further clarify examiner's position, examiner points to paragraph 0059, wherein EPG 153 and/or STS 152 can communicate with the website 124 to receive program updated for the synthetic channel. Therefore, Novak et al discloses "updating, at a second geographic location, said at least one constructed display based on said acquired information."

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1.

Accordingly, claims 1, 11, 21, 31 and 32 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

The Appellant disagrees and maintains that there is no updating of Novak's EPG at the user location. Novak, at paragraph 0059, describes "provisioning" of the synthetic channel, where an updated version of a given TV program from the EPG may be obtained. However, there is still no updating of the EPG itself at the user location. The update of the TV program is done at the program/media source, and the updated version of the program is simply communicated to the user.

The Appellant respectfully submits that [independent?] claims 1, 11, 21, 31 and 32 are allowable.

#### **B. Dependent claims 2, 12, 22 and 33**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on page 12 of the Examiner's Answer:

Appellant argues that claim 2 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Novak et al and Ellis et al, the combination neither discloses nor suggests "transferring to said first geographic location said updated at least one constructed display for presentation at said first geographic location", the examiner respectfully disagrees. Ellis teaches a personal television channel system in which contributors such as individuals in the home may create personal television channel programming and may set up scheduling for the personal television channel programming-Whereby the contributor and the viewers may use the same user

equipment thus enabling a contributor to receive scheduling information of personal and/or traditional television channels (Abstract; Fig. 1; col. 1, lines 46-51; col.2, line 65 to col.3, line 6; col.3, lines 18-28; col.4, lines 59-61; col.5, lines .15-22; col. 11, lines 45-51; col. 14, lines 23-32).

The Appellant disagrees. As explained in subsection A above, neither Novak nor Ellis disclose that the EPG is scheduled at a given location for presentation at the same location. Even if we assume *arguendo* (under Ellis) that one user can be both a contributor and a user, the Examiner's argument is still deficient. In that instance, the contributor will, obviously, be at the same geographic location as the user (since they are one and the same person), and the contribution and consumption of media will also take place at the same geographic location. In other words, the contributor/user cannot update the EPG at one geographic location and then transfer the updated EPG to another geographic location (if the contributor/user is the same person, then all activities take place in one location, not two separate locations).

The Appellant respectfully submits that dependent claims 2, 12, 22 and 33 are allowable.

#### **C. Dependent claims 3, 13, 23 and 34**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 3, 13, 23, and 34 are allowable.

**D. Dependent claims 4, 14, 24 and 35**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 4, 14, 24 and 35 are allowable.

**E. Dependent claims 5, 15, 25 and 36**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 5, 15, 25 and 36 are allowable.

**F. Dependent claims 6, 16, and 26**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 15-16 of the Examiner's Answer:

Appellant argues that claim 6 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Novak et al and Ellis et al, the combination neither discloses nor suggests "combining representations of updated broadcast media and/or said personal media in said at least one constructed display based on said acquired information", the examiner respectfully disagrees. Novak et al teaches cable subscribers are provided with media programs from the website 124 and to provide/update the EPG with media programs that are available from the website 124 (Paragraph 0041). To further clarify examiner's position, examiner points to paragraph 0059, wherein EPG 153 and/or STS 152 can communicate with the website 124 to receive



program updates for the synthetic channel. Therefore, Novak et al discloses updating of broadcast media and/or personal media based on information acquired from a media provider.

The Appellant disagrees. In page 11 of the Examiner's Answer, the Examiner has equated Appellant's "acquiring information" to the "media object information and preferences" as described in Novak's paragraphs 0062-63 (e.g., date, file type, actors, etc.). Even though the user at STB 152 can receive updated version of the synthetic channel, Novak does not disclose that any updating of the personal and/or broadcast media in the EPG is performed based on such "acquired information."

The Appellant respectfully submits that dependent claims 6, 16, and 26 are allowable.

**G. Dependent claims 7, 17, and 27**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 7, 17, and 27 are allowable.

**H. Dependent claims 8, 18, and 28**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 8, 18, and 28 are allowable.

**I. Dependent claims 9, 19, 29 and 37**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 9, 19, 29 and 37 are allowable.

**J. Dependent claims 10, 20, 30 and 38**

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 10, 20, 30, and 38 are allowable.

### **CONCLUSION**

The Appellant submits that the pending claims 1-38 are allowable in all respects. Reversal of the Examiner's rejections for all the pending claims and issuance of a patent on the Application are therefore requested from the Board.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: 29-JUN-2009

By: /Ognyan I. Beremski/  
Ognyan Beremski, Reg. No. 51,458  
Attorney for Appellant

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775 – 8100

(OIB)